

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

UNITED STATES OF AMERICA CASE NO. 6:18-CR-00091-01
VERSUS JUDGE DRELL
KENYETTA EDMOND MAGISTRATE JUDGE HANNA

MEMORANDUM ORDER

Currently pending before this Court is a Motion to Appoint Counsel filed on July 19, 2021, by defendant, Kenyetta Edmond [Rec. Doc. 77]. His request is premised upon the fact that legal relief may be available to him based on the potential changes in the federal laws regarding marijuana. *Id.*

There is no constitutional right to have an attorney appointed when a prisoner collaterally attacks his conviction. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987). On the other hand, this Court is permitted to appoint counsel to a person seeking relief under § 2255 where "the interests of justice so require and such person is financially unable to obtain representation." 18 U.S.C. § 3006A(g). Additionally, an indigent prisoner has a statutory right to appointed counsel in § 2255 cases if an evidentiary hearing is required. Rule 8(c), Rules Governing Section 2255 Proceedings.

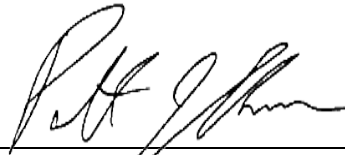
At this stage of the proceedings, the defendant has not collaterally attacked his conviction based on any recent changes in the law. Accordingly, the Court has made no determination regarding whether an evidentiary hearing and discovery are required. Accordingly, defendant's request is premature. See *Urias v. Thaler*, 455 Fed.Appx. 522 (5th Cir. 2011) (affirming the District Court's finding that because a §2254 petition had not yet been filed, and no issues requiring an evidentiary hearing had yet been raised, defendant was not entitled to appointed counsel under Rule 8(c) of the Rules Governing Section 2254 Proceedings).

Consequently, the Court determines that the interests of justice do not require the appointment of counsel for Kenyetta Edmond at this time.

ORDER

IT IS ORDERED that defendant's Motion to Appoint Counsel [Rec. Doc. 77] is hereby **DENIED**.

THUS DONE in Chambers on this 20th day of July, 2021.

A handwritten signature in black ink, appearing to read 'Patrick J. Hanna', is written over a horizontal line.

Patrick J. Hanna
United States Magistrate Judge